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MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 12th September, 1955

THE ALL INDIA SERVICES (LEAVE) RULES, 1955

S.R.O. 1979.—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (LXI of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely :—

1. **Short title.**—These rules may be called the All India Services (Leave) Rules, 1955.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) 'commuted leave' means leave taken under rule 13;
- (b) 'completed year of service' means continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave including extraordinary leave;
- (c) 'duty' means duty as a member of the Service and includes—
 - (i) service as probationer;
 - (ii) joining time;
 - (iii) such other periods as the Government may, by general or special order, declare as 'duty';
- (d) 'earned leave' means leave earned under rule 10 in respect of periods spent on duty;
- (e) 'earned leave due' means the amount of earned leave to the credit of a member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date *plus* the amount of earned leave calculated as prescribed in rule 10 *diminished* by the amount of earned leave taken after the date on which he became subject to these rules;

- (f) 'foreign service' means service where a member of the Service receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State ;
- (g) 'Government' means—
 - (i) in the case of a member of the Service serving in connection with the affairs of the Union, the Central Government; or
 - (ii) in the case of a member of the Service serving under a foreign Government (whether on duty or on leave), the Central Government; or
 - (iii) in the case of a member of the Service serving in connection with the affairs of a State, the Government of that State; or
 - (iv) in the case of a member of the Service on leave, the Government who sanctioned him the leave;

Explanation.—A member of the Service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for the purposes of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State.

- (h) 'half pay leave' means leave earned under rule 12 in respect of completed years of service;
- (i) 'half pay leave due' means the amount of half pay leave to the credit of a member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date *plus* the amount of half pay leave calculated as prescribed in rule 12 *diminished* by the amount of half pay leave including twice the amount of commuted leave taken under these rules;
- (j) 'joining time' means the time allowed to a member of the Service in which to join a new post or to travel to or from a station to which he is posted;
- (k) 'leave' includes earned leave, half pay leave, commuted leave, leave not due, extraordinary leave, study leave, special disability leave, maternity leave or any other authorised leave of absence;
- (l) 'leave salary' means the monthly amount admissible to a member of the Service who has been granted leave under these rules;
- (m) 'member of the Service' means a member of the Indian Administrative Service or the Indian Police Service, as the case may be ;
- (n) 'month' means a calendar month;

Explanation.—In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days of which each such month may consist shall first be calculated and the odd number of days calculated subsequently.

- (o) 'substantive pay' means pay other than special pay, personal pay or any other emoluments which may be specially classed as pay, of the permanent post which a member of the Service holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended, or the pay other than special pay, personal pay or any other emoluments which may be specially classed as pay, to which he is entitled by reason of his substantive position in a cadre.

3. Right of leave.—(1) Leave cannot be claimed as of right and when the exigencies of public service so demand, leave of any description may be refused or revoked by the Government.

(2) It shall not be open to the Government to compel any member of the Service to proceed on leave or, except at the request of the member of the Service, to alter the nature of leave due and applied for.

4. Earning of leave.—Except as otherwise provided in these rules, leave shall be earned by duty only.

Explanation.—For the purpose of this rule, the period spent on foreign service counts as duty if on account of such period contributions towards leave salary have been paid by the foreign employer or the member of the Service or remitted by the Government.

5. Commencement and termination of leave.—Leave ordinarily begins on the day on which a transfer of charge is effected and ends on the day preceding that on which such charge is resumed. Where joining time is allowed to a member of the Service returning from leave out of India, the last day of his leave is the day before the arrival at her moorings or anchorage in the port of debarkation of the vessel in which he returns or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India :

Provided that the Government may prescribe the circumstances in and conditions on which Sundays or other public holidays may be prefixed or affixed to leave.

6. Return to duty on expiry of leave.—Except with the permission of the authority which granted him leave, no member of the Service on leave may return to duty before the expiry of the period of leave granted to him.

7. Maximum period of absence from duty.—(1) No member of the Service shall be granted leave of any kind for a continuous period exceeding five years.

(2) Unless the Government in view of the special circumstances of the case determine otherwise, a member of the Service who remains absent from duty for a continuous period exceeding five years, elsewhere than on foreign service, whether with or without leave, shall be deemed to have resigned from the Service.

8. Combination of leave.—Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

9. Grant of leave beyond the date of retirement.—No leave shall be granted beyond the date on which a member of the Service must compulsorily retire :

Provided that a member of the Service who has been denied in whole or in part on account of exigencies of the public service the earned leave which was due to him pending retirement, may be granted by the Government the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which he must compulsorily retire :

Provided further that a member of the Service whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted within the period of extension or if the conditions of the preceding proviso are satisfied, after its expiry, any earned leave which could have been granted to him under the preceding proviso, had he retired on that date and in addition any earned leave due in respect of such extension.

NOTE.—In determining the amount of earned leave due, in respect of the extension with reference to rule 10, the earned leave, if any, admissible on the date of compulsory retirement shall be taken into account.

10. Rate and amount of earned leave.—(1) The earned leave admissible to a member of the Service shall be one-eleventh of the period spent on duty.

(2) A member of the Service shall cease to earn leave when the earned leave due amounts to 180 days.

(3) In the case of a State Service officer appointed to the All India Services the maximum limit on accumulation of leave laid down in sub-rule (2) shall not apply during the period of the first five years from the date of his appointment to the Service or from that of the commencement of these rules, whichever is later, and such an officer may be allowed during the said period of five years to avail himself of the accumulated leave to his credit :

Provided that on the expiry of the said period of five years the leave at the credit of the officer in excess of the normal maximum limit of accumulation of leave laid down in sub-rule (2) shall lapse :

Provided further that he shall not earn leave during that period unless the accumulated leave at his credit falls below 180 days.

11. Maximum leave admissible at a time.—(1) Subject to the provisions of rule 9 and sub-rule (2) of this rule, the maximum earned leave that can be granted to a member of the Service at a time shall be 120 days.

(2) Earned leave may be granted to a member of the Service exceeding a period of 120 days but not exceeding 180 days, if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Daman, Diu, Goa, Nepal and Pakistan :

Provided that where earned leave exceeding a period of 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed 120 days.

12. Half pay leave.—(1) The half pay leave admissible to a member of the Service in respect of each completed year of service shall be 20 days.

(2) The half pay leave due may be granted to a member of the Service on medical certificate or on private affairs.

13. Commuted leave.—Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a member of the Service subject to the following conditions, namely :—

(a) commuted leave during the entire service shall be limited to a maximum of 240 days;

(b) when commuted leave is granted, twice the amount of such leave shall be debitable to the half pay leave due; and

(c) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time :

Provided that no commuted leave may be granted under this rule unless the Government has reason to believe that the member of the Service will return to duty on its expiry.

14. Leave not due.—Save in the case of leave preparatory to retirement, leave not due may be granted to a member of the Service for a period not exceeding 360 days during his entire service out of which not more than 90 days at any time and 180 days in all may be otherwise than on medical certificate.

NOTE.—(1) Leave not due shall not be granted to a member of the Service unless the Government is satisfied that as far as can be reasonably foreseen, he will return to duty and earn an equal amount of half pay leave.

(2) A member of the Service who is invalided during the currency of or at the end of a period of leave not due, shall be retired from the date of expiry of such leave not due.

(3) Where a member of the Service who has been granted leave not due under this rule applies for and is granted permission to retire, the leave not due shall be cancelled and his retirement shall have effect from the date on which such leave commenced.

15. Extraordinary leave.—(1) Subject to the provisions of rule 7, extraordinary leave may be granted to a member of the Service in the following special circumstances, that is to say—

(a) when no other kind of leave is admissible, or

(b) when any other kind of leave is admissible but the member of the Service applies in writing for the grant of extraordinary leave.

(2) Government may retrospectively convert periods of absence without leave into extraordinary leave even when any other kind

of leave was admissible at the time when absence without leave commenced.

(3) Extraordinary leave shall not be debited to the leave account.

16. Special disability leave.—(1) Special disability leave, which may be combined with leave of any other kind, may be granted to a member of the Service under such conditions as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Governments concerned.

(2) Such leave shall not be debited to the leave account except as provided in sub-rule (6) of rule 20.

(3) Such leave may be granted on more than one occasion if the disability is aggravated or reproduced in similar circumstances on a later date but not more than twenty-four months of such leave in all shall be granted in consequence of any one disability.

(4) When a member of the Service suffers an injury while on service under the Armed Forces, any period of leave granted under the leave rules applicable in the Armed Forces in respect of that injury shall be treated as leave granted under this rule.

17. Study leave.—(1) Leave may be granted to a member of the Service on such terms as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Governments concerned to enable him to undergo, in India or out of India, a special course of study or instructions approved by the Government in public interest.

(2) Such leave shall not be debited to the leave account.

18. Maternity leave.—(1) Maternity leave may be granted to a woman member of the Service on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier.

(2) Such leave shall not be debited to the leave account.

(3) Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of maternity leave may be granted only if the application is supported by a medical certificate.

NOTE.—Maternity leave may also be granted in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate.

19. Conversion of one kind of leave into another kind.—(1) At the request of a member of the Service, the Government may convert any kind of leave retrospectively into leave of a different kind which may be admissible, but the member of the Service cannot claim such conversion as a matter of right.

(2) If one kind of leave is converted into another the amount of leave salary admissible shall be recalculated and arrears of leave salary paid or amounts overdrawn recovered, as the case may be.

20. Leave Salary.—(1) A member of the Service on earned leave is entitled to leave salary equal to the greater of the amounts specified below:—

- (a) the substantive pay on the day before the leave commences, or
- (b) (i) in respect of the first 60 days of the earned leave, the average monthly pay earned during the twelve complete months preceding the month in which the leave commences, and
- (ii) thereafter the average monthly pay earned during the thirty-six complete months preceding the month in which the leave commences.

(2) A member of the Service on half pay leave or leave not due is entitled to leave salary equal to half the substantive pay on the day before the leave commences or half the amount specified in clause (b) (ii) of sub-rule (1), whichever amount is greater, subject in either case to a maximum of Rs. 750.

(3) A member of the Service on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2).

(4) A member of the Service on extraordinary leave is not entitled to any leave salary.

(5) A member of the Service on special disability leave shall be entitled, in respect of the initial period of 120 days, to leave salary in accordance with sub-rule (1).

(6) In respect of special disability leave beyond the initial period of 120 days, leave salary equal to the amount specified at clause (a) or clause (b) (ii) of sub-rule (1), whichever is greater, may be granted at the option of the member of the Service for a further period limited to the number of days of earned leave due to him in which case the earned leave account shall be debited with half the number of days for which leave salary is granted under this sub-rule.

(7) The leave salary during special disability leave in respect of any period not covered by sub-rules (5) and (6) shall be at the rate specified in sub-rule (2).

21. Accepting any service or employment while on leave.—(1) A member of the Service on leave shall not take any service or accept any employment without obtaining the permission of the Government:

Provided that a member of the Service who has been granted permission to take any service or accept any employment during leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty.

NOTE.—This rule does not apply to casual literary work or service as an examiner or similar employment.

(2) The leave salary of a member of the Service who is permitted to take up employment under any Government or private employer during leave preparatory to retirement shall be subject to such restrictions as the Central Government may, by general or special order, prescribe.

22. Recall of a member of the Service while on leave.—All orders recalling a member of the Service to duty before the expiry of the leave granted to him shall state whether the return to duty is optional or compulsory. If the return is optional, the member of the Service shall not be entitled to any concession. If it is compulsory, he shall be entitled—

- (a) if the leave from which he is recalled is out of India,—
 - (i) to receive a free passage to India, and provided that he has not completed half the period of his leave by the date of leaving for India on recall or 90 days whichever period is shorter, to receive a refund of the cost of his passage from India;
 - (ii) to receive travelling allowances admissible to him as a member of the Service in respect of the journey from the port of debarkation to the station to which he is posted;
 - (iii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
 - (iv) to receive leave salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave;
- (b) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw travelling allowances admissible to him as a member of the Service for the journey but to draw until he joins his post, leave salary only.

Explanation.—For purposes of this rule, leave out of India has the same meaning as given in sub-rule (2) of rule 11.

23. Rejoining of duty on return from leave on medical grounds.—No member of the Service who has been granted leave on medical certificate shall return to duty without first producing a medical certificate of fitness in such form as the Government may, by order, prescribe. A similar certificate may be required in the case of a member of the Service who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

24. Overstayal after expiry of leave.—A member of the Service who remains absent at the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were leave on half pay, unless his leave is extended by the Government. Wilful absence from duty

after the expiry of leave may render a member of the Service liable to disciplinary action.

25. Effect of transfer to foreign service while on leave.—A member of the Service transferred to foreign service while on leave ceases, from the date of such transfer, to be on leave and shall not be entitled to draw leave salary from that date.

26. Regulation of leave during foreign service in India.—(1) A member of the Service who is on foreign service in India shall not be granted leave otherwise than in accordance with these rules and shall not be entitled to avail himself of leave or draw leave salary from the Government unless he is actually relieved of his duty under the foreign employer and proceeds on leave.

(2) If a member of the Service avails himself of leave to which he is not entitled, he may be required to refund leave salary irregularly drawn and in the event of his refusing to refund, he shall forfeit previous service under the Government and shall cease to have any claim on the Government in respect of either pension or leave salary.

27. Regulation of leave during foreign service out of India.—(1) A member of the Service on foreign service out of India may be granted leave by his foreign employer on such conditions as the employer may determine. In any individual case, the authority sanctioning foreign service may determine beforehand in consultation with the employer, the conditions subject to which such leave may be granted by the employer. The leave salary in respect of such leave granted by the employer will be paid by the employer and such leave shall not be debited to the leave account of the member of the Service.

(2) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangements with the member of the Service or the foreign employer under which leave may be granted to a member of the Service in accordance with these rules if the foreign employer or the member of the Service pays to the Consolidated Fund of India leave contribution at such rate as the Central Government may, by general or special order, prescribe.

NOTE.—In the case of a member of the Service who remains on foreign service out of India for more than twelve months and who on reversion immediately takes leave under these rules, the leave salary shall be calculated in accordance with rule 20 of these rules. For this purpose the substantive pay drawn by him on the day preceding the date on which he was transferred to foreign service or pay drawn by him during the twelve complete months or thirty-six complete months, as the case may be, preceding the month in which he was transferred to foreign service shall be taken into account.

28. Leave salary contribution while on foreign service in India.—(1) While a member of the Service is on foreign service in India contributions towards the amount of leave salary shall be paid to the Government concerned on his behalf.

(2) The contributions due under sub rule (1) shall be paid by the member of the Service himself unless the foreign employer agrees to pay them.

(3) The rates of contributions payable under this rule shall be such as the Central Government may, by general or special order, prescribe.

(4) The Government may, by general or special order, remit the contributions payable under this rule in any specific case or class of cases.

(5) A member of the Service on foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ.

(6) Neither the member of the Service nor the foreign employer has any right of property in a contribution paid and no claim for refund shall be entertained.

Explanation.—For the purpose of calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of the member of the Service paying his own contribution, such part of pay as may be paid as contribution, shall count as pay.

29. Extent of leave admissible to a probationer in case of termination of service.—If for any reason it is proposed to terminate the services of a member of the Service on probation, any leave which may be granted to him shall not extend beyond the date on which the probationary period already sanctioned or extended expires, or any earlier date on which his services are terminated by an order of the Central Government.

30. Counting of former service for leave in case of reinstatement after dismissal or removal or compulsory retirement from Service.—A member of the Service who is dismissed or removed or compulsorily retired from the Service but is reinstated on appeal or revision, under the relevant provisions of the All India Services (Discipline and Appeal) Rules, 1955, shall be entitled to count his former service for leave.

31. Procedural instructions.—(1) A leave account shall be maintained in respect of each member of the Service.

(2) Subject to any general or special order that may be issued by the Central Government, if necessary in consultation with the Comptroller and Auditor General of India, the Government may prescribe the procedure to be followed in regard to—

(i) making of application for leave and for permission to return from leave;

(ii) granting of leave; and

(iii) the payment of leave salary.

32. Relaxation of the provisions of the rules in individual cases.—Where the Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a member of the Service, it may, after recording its reasons for so doing and notwithstanding anything contained in any of these rules, deal with the case of such member in such manner as may appear to it to be just and equitable:

Provided that the case shall not be dealt with in any manner less favourable to such member than that prescribed in these rules.

33. Interpretation.—If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government whose decision thereon shall be final.

34. Repeal.—All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

35. Saving.—(1) Nothing in these rules shall apply to members of the Service specified in clauses (a) and (b) of sub-rule (1) of Rule 3 of the Indian Administrative Service (Recruitment) Rules, 1954, or to members of the Service specified in clause (a) of sub-rule (1) of Rule 3 of the Indian Police Service (Recruitment) Rules, 1954.

(2) The conditions of service of such members as respects leave shall continue to be regulated by the rules applicable to them immediately before the commencement of these rules.

[No. 5/2/53-AIS(II).]

R. C. DUTT, Jt. Secy.

